

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Judge Robert W. Schroeder III

VIRNETX INC., et al	§	
	§	
V.	§	CIVIL NO. 6:12cv855
	§	
APPLE INC.	§	

MINUTES FOR DAY SIX OF TRIAL
HELD BEFORE JUDGE ROBERT W. SCHROEDER III
FEBRUARY 1, 2016

OPEN:9:02 am

ADJOURN: 6:47 pm

ATTORNEY FOR PLAINTIFFS: Brad Caldwell, Jason Cassady, Austin Curry, and Johnny Ward

ATTORNEY FOR DEFENDANTS: Greg Arovas, Robert Appleby, Joseph Loy, Jeannie Heffernan, Akshay Deoras, and Mike Jones

LAW CLERK: Jenna Rea

COURTROOM DEPUTY: Betty Schroeder

COURT REPORTER: Brenda Smith

9:02 am	Jury seated; Court welcomes everyone back
9:03 am	Mr. Caldwell begins cross examination of Dr. Blaze
9:12 am	Courtroom sealed
9:13 am	Mr. Caldwell continues with cross
9:53 am	Courtroom unsealed
9:53 am	Mr. Caldwell continues with cross
10:02 am	Recess

10:19 am Outside presence of jury; bench conference

10:24 am Jury seated; Mr. Caldwell continues with cross

10:45 am Mr. Caldwell passes the witness

10:46 am Mr. Appleby begins re-direct

11:05 am Mr. Appleby passes the witness

11:05 am Mr. Caldwell begins re-cross

11:17 am Mr. Appleby questions Dr. Blaze

11:19 am Mr. Caldwell questions Dr. Blaze

11:20 am Court asks the jury for any questions for Dr. Blaze

11:21 am Bench conference

11:22 am Court asks Dr. Blaze the first question from the jury; Dr. Blaze responds

11:25 am Mr. Appleby follows up with questions for Dr. Blaze

11:25 am Mr. Caldwell follows up with questions for Dr. Blaze

11:28 am Mr. Appleby questions Dr. Blaze

11:29 am Mr. Caldwell questions Dr. Blaze

11:30 am Court asks Dr. Blaze the second question from the jury; Dr. Blaze responds

11:31 am Mr. Appleby questions Dr. Blaze

11:32 am Mr. Caldwell questions Dr. Blaze

11:33 am Mr. Appleby questions Dr. Blaze

11:34 am Mr. Caldwell questions Dr. Blaze

11:34 am Court asks Dr. Blaze the final question from the jury; Dr. Blaze responds

11:35 am Witness is excused

11:35 am Jury excused for lunch

11:36 am	Outside presence of jury, bench conference
11:43 am	Recess
12:59 pm	Outside presence of jury, bench conference
1:08 pm	Jury seated
1:08 pm	Witness Lee Van Pelt sworn in; Mr. Loy begins direct examination
1:22 pm	Defendant's Exhibits #93, #94, #97, #98, #101, #102
1:37 pm	Mr. Loy passes the witness
1:37 pm	Mr. Caldwell begins cross examination of Mr. Van Pelt
1:59 pm	Objection by Mr. Loy; Mr. Caldwell responds; Court responds
2:10 pm	Mr. Caldwell passes the witness
2:10 pm	Mr. Loy begins re-direct
2:18 pm	Mr. Caldwell begins re-cross
2:21 pm	Court asks jury for any questions for Mr. Van Pelt
2:22 pm	Bench conference
2:23 pm	Court asks Mr. Van Pelt the first question from the jury; Mr. Van Pelt responds
2:25 pm	No follow up questions from Mr. Loy; follow up questions from Mr. Caldwell
2:26 pm	Mr. Loy questions Mr. Van Pelt
2:27 pm	Witness excused
2:28 pm	Witness Deborah Jay sworn in; Ms. Heffernan begins direct examination
2:32 pm	Witness Dr. Deborah Jay offered as an expert in survey and methodology research; no objections
2:37 pm	Defendant's Exhibit #140
2:53 pm	Ms. Heffernan passes the witness
2:54 pm	Bench conference

2:55 pm	Recess
3:10 pm	Outside the presence of the jury, bench conference
3:12 pm	Jury seated; Mr. Ward begins cross examination of Dr. Jay
3:18 pm	Courtroom sealed
3:19 pm	Mr. Ward continues with cross
3:19 pm	Plaintiff's Exhibit #1186
3:20 pm	Plaintiff's Exhibit #1184
3:23 pm	Plaintiff's Exhibit #1117
3:23 pm	Courtroom unsealed
3:24 pm	Mr. Ward continues with cross
3:29 pm	Plaintiff's Exhibit #172
3:31 pm	Defendant's Exhibit #461
3:33 pm	Defendant's Exhibit #595
3:41 pm	Plaintiff's Exhibit #1127
3:44 pm	Mr. Ward passes the witness
3:45 pm	Courtroom sealed
3:45 pm	Ms. Heffernan begins re-direct
3:57 pm	Courtroom unsealed
3:58 pm	Mr. Ward begins re-cross
3:58 pm	Court asks jury for any questions for Dr. Jay
4:00 pm	Bench conference
4:02 pm	Court asks Dr. Jay the questions from the jury; Dr. Jay responds
4:06 pm	No follow up questions; witness excused

4:06 pm	Bench conference
4:13 pm	Ms. Heffernan begins direct examination of Chris Bakewell (previously sworn)
4:20 pm	Ms. Heffernan offers Mr. Bakewell as an expert in intellectual property valuation and patent damages; no objections
4:35 pm	Plaintiff's Exhibits #1088.02 and 1088.03
4:45 pm	Plaintiff's Exhibits #1089.03, #1089.05, and #1089.06
5:10 pm	Ms. Heffernan passes the witness
5:10 pm	Bench conference
5:11 pm	Jury excused
5:14 pm	Recess
5:35 pm	Begin informal charge conference
6:47 pm	End informal charge conference
6:47 pm	Recess